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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/685,309	10/14/2003	Philip Andrew Frank	005127.00467	9840	
22909 7:	590 07/05/2005		EXAMINER		
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597		MITCHELL, KATHERINE W			
			ART UNIT	PAPER NUMBER	
,			3677	<u>-</u>	
		·	DATE MAILED: 07/05/200	DATE MAILED: 07/05/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/685,309	FRANK	
Office Action Summary	Examiner	Art Unit	
	Katherine W. Mitchell	3677	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 05 Ja	nuary 2005 and 03 May 2005.		
2a)⊠ This action is <b>FINAL</b> . 2b)☐ This	action is non-final.		
3) Since this application is in condition for allowar closed in accordance with the practice under E	·		
Disposition of Claims			
4) ☐ Claim(s) 29-45 and 52-64 is/are pending in the 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 29-45 and 52-64 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Examiner			
10)⊠ The drawing(s) filed on is/are: a)⊠ acce	epted or b) objected to by the l	Examiner.	
Applicant may not request that any objection to the	•	, ,	
Replacement drawing sheet(s) including the correcti  11) The oath or declaration is objected to by the Ex-		• • • • • • • • • • • • • • • • • • • •	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on Noed in this National Stage	
Attachment(s)	4) 🕅 Intonious Summers	(PTO 413)	
2) Notice of Praftsperson's Patent Drawing Review (PTO-948)	4) ⊠ Interview Summary Paper No(s)/Mail Da	ite	
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5)  Notice of Informal P 6) Other:	atent Application (PTO-152)	

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#### **DETAILED ACTION**

#### Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 29-45 and 52-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 29, 52, and 59: Applicant's amended and new independent claims required adjacent first and second extension elements, and the require the extension elements to be unsecured to each other. Examiner does not see how this would function as a band for a timepiece configured to be worn on a wrist, as 1<sup>st</sup> and 2<sup>nd</sup> extension elements unsecured to each other inherently requires unsecured adjacent 1<sup>st</sup> and 2<sup>nd</sup> links, and thus the band is not capable of being worn. Further, this contradicts the structure recited - that springbars connect parts to other parts. The other claims are rejected as depending from claims 29,52, or 59 respectively.

Claim 59, line 47, recites the third joining springbar connecting the second been wh extension element to another link. The third joining springbar has described as extending through the third extension element, not the second.

### Claim Objections

3. Claims 52, 59, and 29 are objected to because of the following informalities:

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Claims 29,52, and 59: Multiple occurrences of "to be opposite the wrist relative to the {first or second or third} extension element " are unclear - how is a cover opposite the wrist relative to its respective extension element?

Claim 59, line 49, "and" should be --or--.

Claim 59, line 52, "and" should be --or--.

Appropriate correction is required.

### Claim Rejections - 35 USC § 103

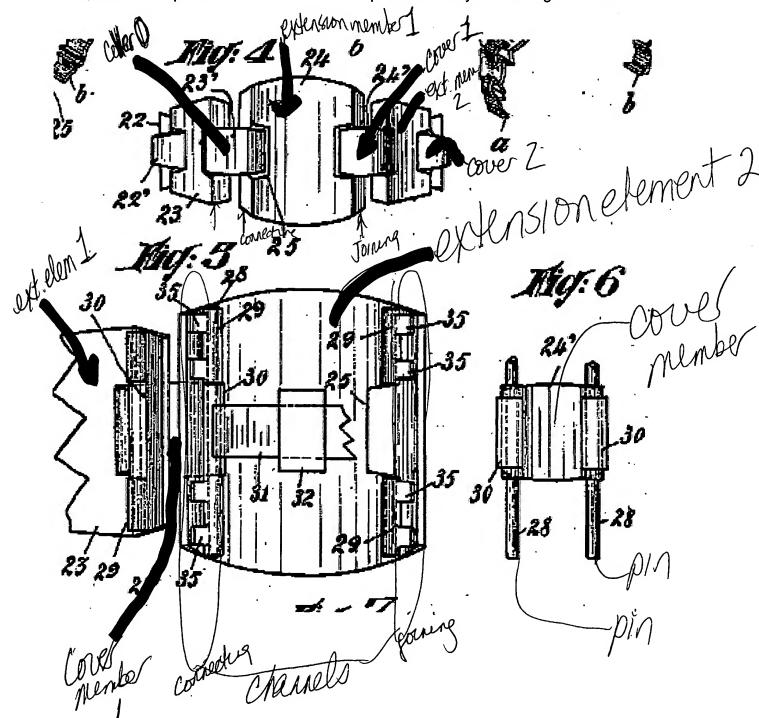
- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 29-45 and 52-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezault USP 2120348 in view of Kikuchi USP 5331610.

As discussed above, the claims as written cannot be examined. However, the following art would apply to the claims as best understood by examiner.

Re claims 29-30, 35-39, 42-45, 52,55,56,57,59,61,62, and 64: Bezault teaches a metal link bracelet which could be used as the bracelet for a wristwatch, as shown in the Figures below. Examiner has marked up the drawings to show what is the cover member, the extension element, the channels, and the pins. However, Bezault does not show the bracelet in combination with a recessed case for a timepiece. Kikuchi Fig 6 shows a link bracelet and timepiece combination. Therefore, it would have been obvious

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to one of ordinary skill in the art, having the teachings of Bezault and Kikuchi before him at the time the invention was made, to modify Bezault as taught by Kikuchi to include the link structure of Kikuchi, in order to obtain a simplified band of links that is easy to assemble and allows the band to stretch a bit for more comfortable fit around a moving wrist, which is important for a wrist worn timepiece that stays on during activities.





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## Allowable Subject Matter

6. Examiner is withholding opinions on the allowability of any claims until the independent claims are amended to be non-contradictory, since there can be no art reading on a contradictory claim.

#### Response to Arguments

7. Applicant's arguments with respect to claims 29-30, 35-39, 42-45, 52,55,56,57,59,61,62, and 64 have been considered but are moot in view of the new ground(s) of rejection.

# Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Katherine W. Mitchell whose telephone number is 571-

272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's 11.

supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell

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Examiner

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Kwm 6/14/2005

Supervisory Patent Examiner Technology Center 3600